IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 14993 of 2005

Between:

Bala Kutumba Rao, S/o.Venkata Narayana,
Bobberlanka, Kokkilagadda Post,
Mopidevi Mandal, Krishna District.

..... PETITIONER

AND

1 The Assistant Commissioner, Endowments Department, Opposite to Old Bus stand,
Pinnalavari Street, Vijayawada.
2 The Commissioner, Endownments Department, Hyderabad.
3 The Executive Officer, Sri Malleswara Swamy Temple, Kokkiligadda village,
Mopidevi Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may leased to to writ or order or direction more particularly in the nature of writ of Mandamus declaring the action of the respondents in proceeding with auction of the property i.e Ac.1-89 cents in S.No.585/8 of Kokilagadda village of Mopidevi Mandal, Krishna District as illegal, arbitrary, and against to the principles of law and natural justice.

Counsel for the Petitioner: MR.AMBADIPUDI SATYANARAYANA

Counsel for the Respondent Nos.1 and 2: GP FOR ENDOWMENTS

Standing Counsel for Respondent No.3: SMT.N.INDRANI

The Court at the admission stage made the following:

ORAL ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Endowments and the learned Standing Counsel appearing for 3rd respondent-temple

2. Petitioner is a tenant of the 3rd respondent-temple. It is his case that he was given an extent of 1 acre 89 cents on lease and that he has been paying the lease amount of Rs.7,600/- from 1997 onwards, which lease was enhanced to Rs.11,400/- from the year 1999. It is his case that he is a landless poor person since the land being cultivated by him is only 1 acre 89 cents and that the respondents have no manner of right to dispossess him from the said land since he is a protected cultivating tenant under the provisions of the Endowments Act. The petitioner, in his affidavit, also refers to a representation submitted by him to the 1st respondent on 8.7.2005, but the said representation is only to extend his lease for a further period of three years and makes no mention regarding determination of his status as a landless poor person.

3. Be that as it may, the Rules framed under the Endowments Act, confer power on the 1st respondent to determine as to whether the cultivating tenant of a temple is a landless poor person or not.

5. The learned counsel for the petitioner Sri A.Satyanarayana submits that the petitioner will file a detailed representation to the 1st respondent within ten (10) days from today, seeking determination of his status as a landless poor person, and on receipt of such a representation, the 1st respondent, after complying with the provisions of the Act and the Rules, shall determine the status of the petitioner as to whether or not he is a landless poor person within two months thereafter.

6. Learned counsel also states that auction for the land is scheduled to be held today. While the auction proceedings may go on, the same shall not be finalized till appropriate orders, on the petitioner's representation, are passed by the 1st respondent.

7. The Writ Petition is accordingly disposed of. No costs.

12.07.2005

SSR

To

1 The Assistant Commissioner, Endowments Department, Opposite to Old Bus stand,
Pinnalavari Street, Vijayawada.
2 The Commissioner, Endownments Department, Hyderabad.
3 The Executive Officer, Sri Malleswara Swamy Temple, Kokkiligadda village, Mopidevi Mandal, Krishna District.

4 2 CCs to G.P. for Endowments, High Court of A.P. Hyderabad. (OUT)

5 2 CD copies

6 1 CC to MR.AMBADIPUDI SATYANARAYANA

*Form-NIC-OGS/WP{**JA**}*